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FISCAL IMPACT REPORT



SPONSOR: Vigil DATE TYPED: 01/23/02 HB 221

SHORT TITLE: Repeal Certain State Motor Vehicle Statutes SB _____

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

New Mexico Criminal and Traffic Law Manual, 2001 Edition
Code of Federal Regulations

No Response

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

House Bill 221 repeals Sections 66-3-858 through 66-3-873 of the Motor Vehicle Code which address the transport of dangerous materials and explosives since they are in conflict with federal regulations.

Significant Issues

1. The Code of Federal Regulations (CFR) conflicts with existing state statutes regarding the transport of hazardous materials. This causes an enforcement problem with the Federal Commercial Motor Carriers Act. Moreover, definitions used in state statutes for terms such as "compressed gas," "oxidizing materials," "corrosive liquids," "cargo tank," "a flammable solid," etc., are not always the same as those used by CFR. When the federal government decides to change the definition of one of these terms, the state must also change its definition. By repealing the sections of the Motor Vehicle Code noted in the bill, the Legislature would be deleting these definitions, thereby relieving the state from the burden of changing

the statutes every year. In the absence of state-level definitions, the “default” would be to use those rules and definitions outlined in CFR. The state, therefore, would not have a conflict.

2. When the state is not in line with the Federal Motor Carriers Safety Act, it is considered to be “non-compliant” by the federal government. A non-compliant status would impact federal highway funding to New Mexico.

CMH/ar